

Morgan Lewis

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December 20, 2018

VIA ECF

The Honorable Judith C. McCarthy
United States Magistrate Judge
United States District Court for the Southern District of New York
The Hon. Charles L. Brieant Jr.
Federal Building and United States Courthouse
300 Quarropas St.
White Plains, NY 10601-4150

Re: DuBuske v. PepsiCo, Inc. et al., No. 18-cv-11618 (S.D.N.Y.)

Dear Judge McCarthy:

This firm represents Defendants PepsiCo, Inc., the PepsiCo Administration Committee and the Employee Benefits Board ("Defendants") in the above-referenced matter. Defendants write to request that they be given an extra thirty-nine (39) days to respond to Plaintiffs' Complaint, until February 15, 2019. Plaintiffs' counsel consent to the requested extension.

Defendants accepted service of the summons on December 17, 2018. Pursuant to Fed. R. Civ. P. 12(a)(1)(A), Defendants' answer would be due on January 7, 2019. With the requested extension, Defendants' response will be due February 15, 2019, which is sixty (60) days from service. No previous extensions have been requested.

If this request is acceptable to Your Honor, we have included a So Ordered line at the bottom.

Respectfully submitted,

/s/ Jeremy P. Blumenfeld

Jeremy P. Blumenfeld

JPB

cc: Hon. Vincent L. Briccetti (via ECF)
All Counsel of Record (via ECF)

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SO ORDERED.

Dated: _____, 201__

Honorable Judith C. McCarthy
United States Magistrate Judge